

Dated; August 24, 2006

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Airborne Health, Inc.



8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 AIRBORNE HEALTH, INC.,

12 Plaintiff,

13 vs.

14 WALGREEN CO.,

15 Defendant.

CASE NO. C06-01803 MMC

NOTICE OF DISMISSAL WITH PREJUDICE

Plaintiff Airborne Health, Inc. hereby dismisses this action with prejudice as permitted by Federal Rule of Civil Procedure 41(a)(1) in that defendant has not yet served an answer to the complaint or otherwise appeared in this action.

DATED: August 24, 2006

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HEDGES, LLP

By /s/
 Scott B. Kidman
Attorneys for Plaintiff
Airborne Health, Inc.